

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

**An Industry Coordination
Committee for the
Broadcast Digital Service**

ET Docket No. 99-34

**Comments of the
Association of Local Television Stations, Inc.**

The Association of Local Television Stations (ALTV) hereby files these comments in the above captioned proceeding. ALTV has been actively involved throughout the digital television process. Our objective is to make sure that both UHF and VHF facilities are able to compete in this new environment. To this end, we urged the FCC to adopt a variety of techniques to insure that UHF stations have sufficient power to compete in the digital world. While some in the industry questioned the need for these improvements, the FCC believed these changes were necessary. As we move forward with the implementation process, ALTV wants to make sure these stations are able to employ these techniques to compete effectively in the new digital world.

At the outset, it is worth remembering that the facts which underlie the extensive use of frequency coordinators in the private land mobile industries are not present in the digital

broadcast television industry. As the FCC noted when it revised its frequency coordinator process in 1986, it was receiving close to 350,000 applications per year.¹ In the land mobile world, the FCC is confronted with a high volume, but low complexity applications process. Delegating this routine job to the private sector, with appropriate FCC oversight is a sound policy choice.

In the digital television world, the FCC faces precisely the opposite situation. The number of applications is relatively stable. At most, the Commission will have to process approximately 1600 applications. The difficulty is the complexity in resolving problems that may arise in each market. Unlike frequency coordination in the land mobile area, digital broadcasting will involve highly complex interference issues. These issues will affect not only local stations, but could daisy chain across entire regions and even have national implications for the entire digital television table of allotments. These decisions will have an impact on the deployment of digital television. Indeed, the decisions could very well determine the nature and extent of competition in the new digital world. Moreover, decisions could affect competition among existing analog UHF facilities. In short, many of these decisions will not be routine.

The most difficult task is develop the criteria to evaluate the applications. Such criteria must be developed by the FCC to provide the frequency coordinators with sufficient guidance. In short, developing the standards for evaluating applications will constitute the most difficult

¹*Frequency Coordinator Report and Order* in PR Docket No. 83-77, 103 FCC 2nd, 1093, 1094 (1986).

and time consuming part of the process. Thus, the efficiency gains that may obtain by creating a frequency coordination process may not be realized. This is especially true given the fact that the FCC does not face the daunting task of processing hundreds of thousands of applications.

These cases will involve intensely competitive situations, where stations and/or their representatives will be making decisions about the signals of their toughest competitors. Unlike the land mobile arena, it will be extremely difficult for coordinators selected from any industry segment to divorce themselves from the influence of their superiors. As a result, the FCC must construct greater safeguards to oversee the coordination process than it currently does in the land mobile industry.

Nonetheless, to the extent the FCC believes that it must establish a frequency coordination process, ALTV believes the following bedrock principles must be established.

1) Access to Information Creation of A National Data Base and Standardized Software

One of the difficulties confronted by UHF stations during the recent power debate, was the ability to obtain timely access to the database that was being used to create the digital table of allotments. To the extent the FCC decides to delegate this function to a private frequency coordinator, ALTV believes strongly that the database and software employed by the frequency coordinator should be standardized and open to all. It should be a common database that can be

used by any broadcast engineer. Moreover, while the FCC eschewed the need for a real time database in the land mobile area (because of the thousands of applications that are involved), there is every reason to establish an open, real time database for digital broadcasting.

2) Competition in the Coordination Process

While the FCC first declined to inject competition in the land mobile frequency coordination process, its more recent decisions have embraced the concept.²

Therefore, except as discussed below, we will allow any in-pool coordinator to coordinate any frequency in the pool. As a direct result of this action, we believe that further competition will be introduced into the frequency coordination process. This in turn, should result in lower coordination costs and better service to the public. For example, we believe market forces will reduce the time it takes to obtain coordination thereby allowing users to get on the air quicker.³

ALTV believes the FCC should explore the concept of competition in the frequency coordination process for digital broadcast television. Competitive incentives may move the process at a faster pace. The key will be for competitive frequency coordinators to use a common, reliable database and software.

One concern is that stations would essentially forum shop, searching for a coordinator until a desired outcome is reached. A common data base should solve a significant part of this

²*Second Report and Order* in PR Docket No. 92-235, 12 FCC Rcd 14307 (1997).

³*Id.* at 14328.

problem. Moreover, the FCC will have to establish coordination procedures that hold all coordinators to specific standards. This should not impose an additional burden on the FCC. Presumably, the Commission would have to establish such standards regardless of whether it employs one or multiple frequency coordinators.

Whether or not the FCC embraces competition in the frequency coordination process, one key fact is clear. There must be open access to the database and software used by frequency coordinators.

3) Written Decisions and Notification

For stations that have applied through the coordination process, it is imperative that decisions of the frequency coordinators be reported and made public. Publishing these results will permit subsequent applications to learn which types of technological solutions will be acceptable. This will prevent needless delay. Decisions by a frequency coordinator should be recorded within 24 hours. As the FCC observed in the land mobile context, notification is necessary to avoid errors due to reliance on a stale database. Moreover, once a petition is filed with a frequency coordinator, all affected stations in the market should be notified. This will help resolve these complex situations mutually agreeable manner.

4) FCC Review of Coordinator Decisions

ALTV believes that a coordinator's decision may be very helpful in resolving anticipated interference issues as the digital process moves forward. As noted above, however, we are generally not dealing with high volume, relatively routine applications. The FCC has already established digital television as a tabled service. The remaining questions regarding levels of *de minimus* interference, the use of tilt beam technology and/or inter-market interference will be complex. The competitive consequences will be significant.

Accordingly, we believe the FCC should remain actively involved in any and all disputes arising out of a frequency coordinator's decisions. Thus, a frequency coordinator may serve an important role in marshaling engineering facts and proposing a solution. If an objection is filed to the coordinators report, the FCC, should have the ability for *de novo* factual review.

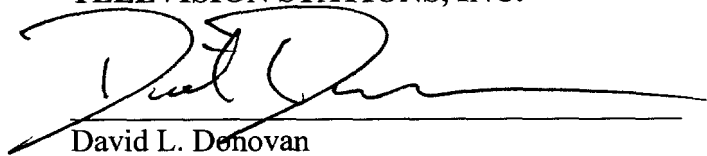
5) Coordinator Certification

The FCC has an obvious role to play in certifying the frequency coordinator(s) that may be used in digital broadcasting. The key issue here is that the coordinators should not have a direct economic interest in any of the stakeholders. As noted above, there are significant competitive consequences to the coordinators actions. Also, the Commission should establish basic technical and engineering standards that must be met by each coordinator.

In conclusion, establishing frequency coordination for digital broadcast television is a extremely complex process. The most important component in any coordination process to make sure the process open for all affected parties. Open access to the database and uniformity of software will insure that all stations will be properly represented. To this end, the FCC may want to explore the competitive model to see whether such an approach will create and open and efficient process. In any event, the FCC must keep a "hands-on" approach to the digital transition. The only way to insure that all stations are able to compete in the digital world, is to keep the process open.

Respectfully submitted,

**ASSOCIATION OF LOCAL
TELEVISION STATIONS, INC.**

A handwritten signature in black ink, appearing to read "David L. Donovan", is written over a horizontal line.

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